

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 531

Introduced by Assembly Member Saldana

February 25, 2009

An act to amend Section 6254.16 of the Government Code, to amend Section 25402.10 of the Public Resources Code, and to amend Section 394.4 of the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 531, as amended, Saldana. Energy consumption data: disclosure.

Existing law requires electric and gas utilities to maintain records of the energy consumption data of all nonresidential buildings to which they provide service. Existing law requires an electric or gas utility, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, to upload all of the energy consumption data for the account specified for a building to the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager in a manner that preserves the confidentiality of the customer.

Existing law, including the California Public Records Act, prohibits the disclosure of a utility customer's personal information, except under specified circumstances.

This bill would exempt an electric or gas utility from these disclosure prohibitions when the electric or gas utility is uploading the energy consumption data for the account specified for a building to the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager.

Existing law requires an owner or operator, on and after January 1, 2010, to disclose the United States Environmental Protection Agency's

ENERGY STAR Portfolio Manager benchmarking data and rating to a prospective buyer, lessee of the entire building, or lender that would finance the entire building.

The bill would instead require the owner or operator to disclose the benchmarking data and rating to a prospective buyer, lessee of the entire building, or lender that would finance the entire building based on a schedule of compliance established by the State Energy Resources Conservation and Development Commission.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6254.16 of the Government Code is
- 2 amended to read:
- 3 6254.16. Except as provided in subdivision (b) of Section
- 4 25402.10 of the Public Resources Code, nothing in this chapter
- 5 shall be construed to require the disclosure of the name, credit
- 6 history, utility usage data, home address, or telephone number of
- 7 utility customers of local agencies, except that disclosure of name,
- 8 utility usage data, and the home address of utility customers of
- 9 local agencies shall be made available upon request as follows:
- 10 (a) To an agent or authorized family member of the person to
- 11 whom the information pertains.
- 12 (b) To an officer or employee of another governmental agency
- 13 when necessary for the performance of its official duties.
- 14 (c) Upon court order or the request of a law enforcement agency
- 15 relative to an ongoing investigation.
- 16 (d) Upon determination by the local agency that the utility
- 17 customer who is the subject of the request has used utility services
- 18 in a manner inconsistent with applicable local utility usage policies.
- 19 (e) Upon determination by the local agency that the utility
- 20 customer who is the subject of the request is an elected or appointed
- 21 official with authority to determine the utility usage policies of the
- 22 local agency, provided that the home address of an appointed
- 23 official shall not be disclosed without his or her consent.
- 24 (f) Upon determination by the local agency that the public
- 25 interest in disclosure of the information clearly outweighs the
- 26 public interest in nondisclosure.

1 SEC. 2. Section 25402.10 of the Public Resources Code is
2 amended to read:

3 25402.10. (a) On and after January 1, 2009, electric and gas
4 utilities shall maintain records of the energy consumption data of
5 all nonresidential buildings to which they provide service. This
6 data shall be maintained, in a format compatible for uploading to
7 the United States Environmental Protection Agency's ENERGY
8 STAR Portfolio Manager, for at least the most recent 12 months.

9 (b) On and after January 1, 2009, upon the written authorization
10 or secure electronic authorization of a nonresidential building
11 owner or operator, and notwithstanding Section 394.4 of the Public
12 Utilities Code and Section 6254.16 of the Government Code, an
13 electric or gas utility shall upload all of the energy consumption
14 data for the account specified for a building to the United States
15 Environmental Protection Agency's ENERGY STAR Portfolio
16 Manager in a manner that preserves the confidentiality of the
17 customer.

18 (c) In carrying out this section, an electric or gas utility may use
19 any method for providing the specified data in order to maximize
20 efficiency and minimize overall program cost, and is encouraged
21 to work with the United States Environmental Protection Agency
22 and customers in developing reasonable reporting options.

23 ~~(d) On and after January 1, 2010(1) Based on a schedule~~
24 ~~developed by the commission pursuant to paragraph (2) an owner~~
25 ~~or operator of a nonresidential building shall disclose the United~~
26 ~~States Environmental Protection Agency's ENERGY STAR~~
27 ~~Portfolio Manager benchmarking data and ratings for the most~~
28 ~~recent 12-month period to a prospective buyer, lessee of the entire~~
29 ~~building, or lender that would finance the entire building. If the~~
30 ~~data is delivered to a prospective buyer, lessee, or lender, a property~~
31 ~~owner, operator, or his or her agent is not required to provide~~
32 ~~additional information, and the information shall be deemed to be~~
33 ~~adequate to inform the prospective buyer, lessee, or lender~~
34 ~~regarding the United States Environmental Protection Agency's~~
35 ~~ENERGY STAR Portfolio Manager benchmarking data and ratings~~
36 ~~for the most recent 12-month period for the building that is being~~
37 ~~sold, leased, financed, or refinanced.~~

38 *(2) The commission shall establish a schedule by which an*
39 *owner or operator is required to meet the requirements of this*
40 *subdivision.*

(e) Notwithstanding subdivision (d), this section does not increase or decrease the duties, if any, of a property owner, operator, or his or her broker or agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.

SEC. 3. Section 394.4 of the Public Utilities Code is amended to read:

394.4. Rules that implement the following minimum standards shall be adopted by the commission for electric service providers offering electrical services to residential and small commercial customers and the governing body of a public agency offering electrical services to residential and small commercial customers within its jurisdiction:

(a) Confidentiality: Except as provided in subdivision (b) of Section 25402.10 of the Public Resources Code, customer information shall be confidential unless the customer consents in writing. This shall encompass confidentiality of customer specific billing, credit, or usage information. This requirement shall not extend to disclosure of generic information regarding the usage, load shape, or other general characteristics of a group or rate classification, unless the release of that information would reveal customer specific information because of the size of the group, rate classification, or nature of the information.

(b) Physical disconnects and reconnects: Only an electrical corporation, or a publicly owned electric utility, that provides physical delivery service to the affected customer shall have the authority to physically disconnect or reconnect a customer from the transmission or distribution grid. Physical disconnection by electrical corporations subject to the commission's jurisdiction shall occur only in accordance with protocols established by the commission. Physical disconnection by publicly owned electric utilities shall occur only in accordance with protocols established by the governing board of the local publicly owned electric utility.

(c) Change in providers: Upon adequate notice supplied by a electric service provider to the electric corporation or local publicly owned electric utility providing physical delivery service, customers who are eligible for direct access may change their energy supplier. Energy suppliers may charge for this change, provided that any fee or penalty charged by the supplier associated

1 with early termination of service, shall be disclosed in that contract
2 or applicable tariff.

3 (d) Written notices: Notices describing the terms and conditions
4 of service as described in Section 394.5, service agreements,
5 notices of late payment, notices of discontinuance of service, and
6 disconnection notices addressed to residential and small
7 commercial customers shall be easily understandable, and shall
8 be provided in the language in which the electric service provider
9 offered the services.

10 (e) Billing: All bills shall have a standard bill format, as
11 determined by the commission or the governing body, and shall
12 contain sufficient detail for the customer to recalculate the bill for
13 accuracy. Any late fees shall be separately stated. Each electric
14 service provider shall provide on all customer bills a phone number
15 by which customers may contact the electric service provider to
16 report and resolve billing inquiries and complaints. An electric
17 service provider contacted by a customer regarding a billing dispute
18 shall advise the customer at the time of the initial contact that the
19 customer may file a complaint with the commission if its dispute
20 is not satisfactorily resolved by the electric service provider.

21 (f) Meter integrity: An electric customer shall have a reasonable
22 opportunity to have its meter tested to ensure the reasonable
23 accuracy of the meter. The commission or governing body shall
24 determine who is responsible for the cost of that testing.

25 (g) Customer deposits: Electric service providers may require
26 customer deposits before commencing service, but in no event
27 shall the deposit be more than the estimated bill for the customer
28 for a three-month period.

29 (h) Additional protections: The commission or the governing
30 body may adopt additional residential and small commercial
31 consumer protection standards that are in the public interest.